

Court of Common Pleas for Sumter County, South Carolina, styled *Rogers v. SavaSenior Care, LLC and SSC Sumter East Operating Company, LLC*, C.A. No. 2017-CP-43-02162 (“State Court Action”). A copy of the docket sheet and all other documents on file with the Court of Common Pleas in the State Court Action are attached hereto as **Exhibit A**.

3. The only other Defendant in this action is Defendant SSC Sumter East Operating Company, LLC d/b/a Sumter East Health and Rehabilitation Center (hereinafter “Sumter East”), which was served with process on January 16, 2017.

4. Removing Defendant SavaSenior Care was served with process on January 23, 2018. Accordingly, this notice of removal is timely. *See* 28 U.S. C. §1446(a).

5. Pursuant to 28 U.S.C. § 1446(b)(2)(C), Defendant Sumter East, as the earlier-served Defendant having been served with process on January 16, 2017, will promptly file a notice of consent to removal contemporaneously with the filing of this notice of removal.

I. DIVERSITY OF CITIZENSHIP

A. Citizenship of Plaintiff

6. Pursuant to 28 U.S.C. § 1332(a)(1), complete diversity of citizenship exists between the parties to the State Court Action.

7. Upon information and belief and according to the pleadings filed in the state court action, Plaintiff Willa B. Rogers is a citizen of the State of South Carolina. Furthermore, Ms. Rogers, in her capacity as the Personal Representative of the Estate of Thomas James Baskins, Jr., must be deemed a citizen of the State of South Carolina because her decedent, Mr. Baskins, while a resident at Defendant Sumter East, was a South Carolina citizen. *See* 28 U.S.C. § 1332(c)(2) (“the legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent....”) Mr. Baskins, at all times relevant to this

Complaint, was a resident and citizen of the State of South Carolina as he is alleged to have been a resident at a skilled nursing facility in Sumter, South Carolina. (Compl. ¶ 2)

B. Citizenship of Defendants

8. As required by 28 U.S.C. §1441(b)(2), a civil action may not be removed solely on the basis of jurisdiction under 28 U.S.C. § 1332(a) if any of the properly joined and served defendants are citizens of South Carolina.

9. Defendant Sumter East is a limited liability company that was organized under the laws of Delaware. As a limited liability company, Sumter East's citizenship is determined by the citizenship of its members. *See Gen. Tech. Applications, Inc. v. Exro Ltda.*, 388 F.3d 114, 120 (4th Cir. 2004). Defendant Sumter East's sole member is South Carolina Holdco, LLC, itself a Delaware limited liability company. Therefore, Sumter East's citizenship turns to the citizenship of the sole member of South Carolina Holdco, LLC, which is SSC Equity Holdings, LLC.

10. SSC Equity Holdings, LLC is also a Delaware limited liability company whose sole member is Master Tenant Parent Holdco, LLC which is also a Delaware limited liability company. Therefore, Sumter East's citizenship turns to the citizenship of Master Tenant Parent Holdco, LLC.

11. Master Tenant Parent Holdco, LLC's sole member is SavaSeniorCare, LLC, itself a Delaware limited liability company whose sole member is Proto Equity Holdings, LLC. Therefore, Proto Equity Holdings, LLC's citizenship would be determinative of Sumter East's and SavaSenior Care's citizenship. Proto Equity Holdings, LLC is a Delaware limited liability company whose sole member is Terpax, Inc., a Delaware Corporation with its principal place of business in Atlanta, Georgia. Thus, Terpax, Inc. is a citizen of the States of Delaware and Georgia and Proto Equity Holdings, LLC, like Terpax, Inc., is a citizen of the States of Delaware

and Georgia. *See* 28 U.S.C. § 1332(c)(1); *see also*, *Cent. W. Va. Energy Co. v. Mt. State Carbon, LLC*, 636 F.3d 101, 102 (4th Cir. 2011)(*citing Hertz Corp. v. Friend*, 130 S. Ct. 1181, 1186, 175 L. Ed. 2d 1029 (2010)) (“For federal diversity jurisdiction purposes, a corporation is a citizen of the states in which it has been incorporated and in which it has its principal place of business. . . the phrase ‘principal place of business’ refers to the place where the corporation's high level officers direct, control, and coordinate the corporation's activities.”)

12. As a result, Defendant Sumter East and Removing Defendant SavaSenior Care are both citizens of Delaware and of Georgia. Therefore, complete diversity exists between all Defendants and the Plaintiff, as neither of the two Defendants is a citizen of South Carolina and Plaintiff is a citizen of South Carolina.

II. AMOUNT-IN-CONTROVERSY

13. Plaintiff’s Complaint asserts causes of action based on purportedly deficient care and treatment that Mr. Baskins received during his residency at the Sumter East in 2015 (Compl. ¶¶ 14 - 16). Plaintiff contends that due to the purported negligence of all “Defendants,” Mr. Baskins “suffered from severe debilitating injuries and has suffered severe and extreme emotional distress, anxiety, grief and death.” (Compl. ¶ 20)

14. The Complaint contains one cause of action. Specifically, Plaintiff alleges claims against all Defendants for negligence. (Compl. ¶¶ 17 – 20)

15. Plaintiff seeks actual, special, consequential and punitive damages, and to recover her costs in pursuing the State Court Action. (Compl. ¶ Prayer for Relief)

16. Plaintiff specifically avers that the amount-in-controversy exceeds \$100,000. (Compl. Prayer for Relief). Accordingly, the value of this matter in dispute exceeds \$75,000, exclusive of interest and costs, as required by 28 U.S.C. § 1332(a). *See Ellenburg v. Spartan*

Motors Chassis, Inc., 519 F.3d 192, 200 (4th Cir. 2008) (“[J]ust as a plaintiff’s complaint sufficiently establishes diversity jurisdiction if it alleges that . . . ‘[t]he matter in controversy exceeds, exclusive of interest and costs, the sum specified in 28 U.S.C. § 1332,’ so too does a removing party’s notice of removal sufficiently establish jurisdictional grounds for removal by making jurisdictional allegations in the same manner.” (internal citations omitted)); *Mattison v. Wal-Mart Stores, Inc.*, C.A. No. 6:10-cv-01739-JMC, 2011 WL 494395, at *2-3 (D.S.C. Feb. 4, 2011) (same, applying *Ellenburg*).

31. As required by 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Removing Defendant SavaSenior Care will give written notice thereof to Plaintiff in the form attached as **Exhibit B**, which will be filed in the Court of Common Pleas for Sumter County, South Carolina.

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